

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-145

RASHID ABDULLAH SALAHUDDIN,

Defendant.

ORDER

On January 8, 2009, this court entered an order granting a new trial for defendant Rashid Abdullah Salahuddin after adopting in part, and denying in part, Magistrate Goodstein's Report and Recommendations regarding the suppression of physical evidence and statements. The January 8th order also addressed the government's motion for recusal pursuant to 28 U.S.C. § 455(a). The recusal motion referenced a meeting in chambers involving this court, United States Attorney Steven Biskupic, and Federal Defender Daniel Stiller, and requested recusal "in light of the Court's comments regarding its preferred disposition, and so that the parties may give due consideration to the Court's suggestions..." (Mot. Recusal, p. 1). The court denied the recusal motion.

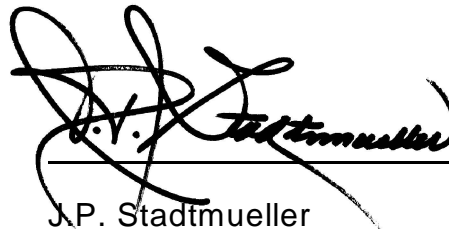
The government filed a motion for reconsideration of the court's order on January 23, 2009. The government asks the court to reconsider its denial of the recusal motion and to vacate its decision on the merits of the suppression motions. In support of its motion for reconsideration, the government asserts that the court

impermissibly participated in plea agreement discussions, in violation of Federal Rule of Criminal Procedure 11(c)(1), and that this “participation” creates the appearance of partiality.

Before rendering a decision on the motion for reconsideration, the court will request that the Federal Defender’s Office file a response to the government’s motion. The court thus invites legal argument and input from both parties to allow a full discourse on the issue. Any response that the Federal Defender elects to file must be received not later than **Tuesday, February 3, 2009**. See Criminal L.R. 12.2(a).

Dated at Milwaukee, Wisconsin, this 26th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge